IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.26-C of 2007 and
RSA NO.4 of 2007

DATE OF DECISION: January 8, 2007

Ganga Singh

….Appellant

VERSUS

M/s Sukhcharan Singh Major Singh, Commission Agents

….
Respondent

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: Shri H.S.Brar, Advocate for the appellant.

Viney Mittal,J.(Oral).

For the reasons stated in the application, delay in refiling the appeal is condoned.

The defendant is appellant before this Court.

A suit for recovery of money of Rs.3,65,210/- filed by the plaintiff firm was dismissed by the trial Court. However, on an appeal filed by the plaintiff firm, the First Appellate Court re-appraised the entire evidence and came to the conclusion that the Bahi entries on the basis of which the plaintiff firm had filed a suit in question were duly proved and the aforesaid account books had been maintained by the plaintiff firm in the regular course of business. It was found that on one occasion, the plaintiff firm had accepted the accounts and had settled the same. Thereafter, there were certain further transactions. The objection raised by the defendant that the settlement did not bear his signatures has been rejected by the First

Appellate Court by holding that the aforesaid Bahi entry and the account maintained by the plaintiff firm were duly proved. Various other objections raised by the defendant with regard to insufficiency of stamp on the said entry etc. were also rejected. Consequently, the appeal filed by the plaintiff firm was partly allowed for an amount of Rs.2,14,050.10.

The learned counsel appearing for the defendant appellant has argued that the findings recorded by the First Appellate Court are based upon misreading of evidence. However, no such evidence has been brought to my notice which would support the aforesaid contention. Various other arguments advanced by the learned counsel appearing for the defendant-appellant are mere pleas with regard to appreciation of evidence.

Nothing has been shown that the findings recorded by the First Appellate Court suffer from any infirmity or are contrary to the record.

No substantial question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 8, 2007 (Viney Mittal)
KD Judge